



Entered on Docket
May 29, 2007

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,

USA SECURITIES, LLC,

Debtors.

) Case No. BK-S-06-10725-LBR
) Case No. BK-S-06-10726-LBR
) Case No. BK-S-06-10727-LBR
) Case No. BK-S-06-10728-LBR
) Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

Date: April 26, 2007
Time: 9:30 a.m

Affecting:

☐ All Cases

or Only:

☒ USA Commercial Mortgage Company

☐ USA Capital Realty Advisors, LLC

☐ USA Capital Diversified Trust Deed Fund, LLC

☐ USA Capital First Trust Deed Fund, LLC

☐ USA Securities, LLC

**ORDER SUSTAINING TWENTY-EIGHTH OMNIBUS OBJECTION OF THE
USACM LIQUIDATING TRUST TO CLAIMS ASSERTING SECURED STATUS**

The USACM Liquidating Trust (the "USACM Trust") filed its Twenty-Eighth Omnibus Objection to Claims Asserting Secured Status [DE 3186] (the "Objection") on March 20, 2007. Appropriate notice of the Objection was given. No responses were filed with this Court. The Objection came before the Court for hearing on April 26, 2007 at 9:30 a.m. Good cause appearing, it is

ORDERED:

- Sustaining the USACM Trust's Twenty-Eighth Omnibus Objection to Claims Asserting Secured Status;
- Reclassifying the Proofs of Claim listed on Exhibit A attached as general unsecured claims; and
- Reserving the right of any party in interest, including the USACM Trust, to further object to any and all claims listed on Exhibit A attached as unsecured claims or otherwise, whether or not the subject of this Objection.

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PREPARED AND SUBMITTED:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)
Susan M. Freeman
Rob Charles
Attorneys for USACM Liquidating Trust

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing regarding this matter and/or who filed a written objection and each has:
 - ☐ approved the form of this order;
 - ☐ waived the right to review the order;
 - ☐ failed to file and serve papers in accordance with LR 9021(c); and/or
 - ☐ failed to sign and return this proposed order within five (5) business days in accordance with LR 9021(b).
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection and all have either approved the form of this order, waived the right to review the order, failed to file and serve papers in accordance with LR 9021(c) and the following have disapproved the form of the order.
- ☒ No opposition was filed and no other party or counsel appeared at the hearing.

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)
Susan M. Freeman
Rob Charles
Attorneys for USACM Liquidating Trust

28th Objection to Claims Asserting Secured Status - Reclassify as General Unsecured Claims

	<u>Claimant</u>	<u>Proof of Claim Number</u>	<u>Date Filed</u>	<u>Proof of Claim Amount</u>	<u>Proof of Claim Classification</u>
1	Schulte, James L & Cynthia L 162 Obed Point Crossville, TN 38571	10725-01131	11/8/2006	\$50,000.00	S
2	Schulte, James 162 Obed Point Crossville, TN 38571	10725-01129	11/8/2006	\$50,000.00	S
3	Schumann, Kenneth 10 Town Plz #99 Durango, Co 81301	10725-00884	10/31/2006	\$125,000.00	S
4	Schwab, Ardath 73 Smokestone Ct Las Vegas, NV 89110	10725-01160	11/9/2006	\$42,866.66	S
5	Schwartz & Earp Joint Venture 609 N Laurel St El Paso, Tx 79903-3401	10725-01795	12/15/2006	\$1,164.97	S
6	Secure Retirement Trust B C/O Leona Apigian Trustee 172 Woodland Rd Goldendale, WA 98620-2613	10725-01961	1/10/2007	\$50,746.52	S, U
7	Sedlak, Alvina 7840 E Camelback Rd #203 Scottsdale, AZ 85251	10725-01302	11/13/2006	\$50,000.00	S
8	Sexton, Thomas 450 Waycliffe Ave N Wayzata, MN 55391	10725-00386	10/2/2006	\$271,000.00	S
9	Sharp Ira, Marion C 20 Leroy Ter New Haven, Ct 06512-3114	10725-02328	1/13/2007	\$225,000.00	S, U
10	Sharp Jt Ten, Chris & Terri 29276 Whitegate Ln Highland, Ca 92346	10725-02303	1/13/2007	\$100,000.00	S, U
11	Sheldon & Marion G Portman Trust Dtd 11/1/85 Sheldon & Marion G Portman Ttees 9505 City Hill Ct Las Vegas, NV 89134-1171	10725-01912	1/10/2007	\$1,360,849.64	S, U
12	Shirley J Sutton Trust C/O Shirley J Sutton Trustee 1477 Bear Creek Dr Bishop, CA 93514-1947	10725-00250	9/26/2006	\$75,000.00	S

13	Shuler, Michael C/O Jay R Eaton Eaton & O'Leary, PLLC Po Box 18 Fairbury, IL 61739	10725-00548	10/10/2006	\$239,932.00	S
14	Sierra West Inc PO Box 8346 Incline Village, NV 89452-8346	10725-01036	11/6/2006	\$425,583.32	S, U
15	Sierra, Debra Joshua D Brysk Law Offices Of James G Schwartz 7901 Stoneridge Dr, Ste 401 Pleasanton, Ca 94583	10725-00145	8/15/2006	\$51,822.91	S
16	Silvestri, Silvio & Kathryn 13621 Wolf Rd Grass Valley, CA 95949-8187	10725-00456	10/5/2006	\$74,340.00	S, P
17	Simmons Jt Ten, Alan R & Judith PO Box 13296 South Lake Tahoe, CA 96151-3296	10725-02175	1/12/2007	\$593,144.11	S, U
18	Simmtex Inc A Nevada Corp Jed Barish 2011 Oak St San Francisco, CA 94117	10725-00044	5/11/2006	\$50,000.00	S
19	Simmtex Inc A Nevada Corp Jed Barish 2011 Oak St San Francisco, CA 94117	10725-00047	5/11/2006	\$50,000.00	S
20	Simmtex Inc A Nevada Corp Jed Barish 2011 Oak St San Francisco, CA 94117	10725-00048	5/11/2006	\$50,000.00	S
21	Simmtex Inc A Nevada Corp Jed Barish 2011 Oak St San Francisco, CA 94117	10725-00049	5/11/2006	\$50,000.00	S
22	Simon Family Trust Trustee Of The Simon Family Trust 15517 Oakstand Ct Poway, CA 92064	10725-00170	8/28/2006	\$507,465.28	S
23	Simon Family Trust Trustee Of The Simon Family Trust 15517 Oakstand Ct Poway, Ca 92064	10725-00194	9/8/2006	\$507,465.28	S
24	Simon Ttees Of The Simon Family Tr 2000, Alan & Carol 1800 Waldman Ave Las Vegas, NV 89102-2437	10725-01909	1/10/2007	\$101,433.34	S, U

25	Simon, Ruby & Evie 8728 Castle View Ave Las Vegas, NV 89129-7680	10725-01191	11/7/2006	\$10,989.00	S
26	Simon, Ruby 8728 Castle View Ave Las Vegas, NV 89129-7680	10725-01182	11/7/2006	\$65,936.00	S
27	Simon, Ruby 8728 Castle View Ave Las Vegas, NV 89129-7680	10725-01185	11/7/2006	\$9,124.00	S
28	Simon, Ruby 8728 Castle View Ave Las Vegas, NV 89129-7680	10725-01193	11/10/2006	\$184,000.00	S
29	Simon, Ruby 8728 Castle View Ave Las Vegas, NV 89129-7680	10725-01198	11/10/2006	\$37,553.69	S
30	Simon, Ruby 8728 Castle View Ave Las Vegas, NV 89129-7680	10725-01199	11/7/2006	\$411,143.47	S
31	Simon, Ruby 8728 Castle View Ave Las Vegas, NV 89129-7680	10725-01200	11/7/2006	\$56,000.00	S
32	Sinett, Sheldon & Annette 239 Harbor View Dr Port Washington, Nv 11050-4706	10725-01361	11/13/2006	\$100,000.00	S
33	Sinett, Sheldon 239 Harbor View Dr Port Washington, NY 11050	10725-01331	11/13/2006	\$100,000.00	S
34	Sinett, Sheldon 239 Harbor View Dr Port Washington, NY 11050	10725-01367	11/13/2006	\$100,000.00	S
35	Sinett, Todd & Wendy 11 Cedar Ln Sands Point, Nv 11050-1334	10725-01386	11/13/2006	\$100,000.00	S
36	Sinett, Todd 11 Cedar Ln Sands Point, NY 11050	10725-01354	11/13/2006	\$100,000.00	S
37	Sklar, Barbara 2429 Bryan Ave Venice Beach, Ca 90291	10725-00774	10/27/2006	\$200,000.00	S
38	Small Family Trust Richard & Jacquelinde Small Ttees 4801 Calle Santa Cruze Prescott Vallev. AZ 86314	10725-01955	1/10/2007	\$351,567.00	S, U

39	Small Ttee Of The, Charels H Charles Small Revocable Living Trust 12754 Joleane Ave Yuma. AZ 85367-6490	10725-01973	1/10/2007	\$136,448.02	S, U
40	Smith, Gene & Emily 419 Shipley Dr Yerington. NV 89447-2632	10725-00586	10/13/2006	\$26,857.60	S
41	Snopko Ttee Of The Charlotte Snopko Ma, Frank Stephen R Harris Esq Belding Harris & Petroni Ltd 417 W Plumb Ln Reno NV 89509	10725-01759	12/26/2006	\$250,000.00	S
42	Snopko Ttee Of The Charlotte Snopko Mar, Frank Stephen R Harris Esq Belding Harris & Petroni Ltd 417 W Plumb Ln Reno NV 89509	10725-01746	12/26/2006	\$35,000.00	S
43	Snopko Ttee Of The Charlotte Snopko Mar, Frank Stephen R Harris Esq Belding Harris & Petroni Ltd 417 W Plumb Ln Reno NV 89509	10725-01758	12/26/2006	\$175,000.00	S
44	Snopko Ttee Of The Charlotte Snopko Resi, Frank Stephen R Harris Esq Belding Harris & Petroni Ltd 417 W Plumb Ln Reno NV 89509	10725-01747	12/26/2006	\$15,000.00	S
45	Snopko Ttee Of The Charlotte Snopko Resi, Frank Stephen R Harris Esq Belding Harris & Petroni Ltd 417 W Plumb Ln Reno NV 89509	10725-01760	12/26/2006	\$15,000.00	s
46	Snopko Ttee Of The Snopko 1981 Trust, Frank Stephen R Harris Esq Belding Harris & Petroni Ltd 417 W Plumb Ln Reno NV 89509	10725-01761	12/26/2006	\$250,000.00	S
47	Snopko Ttee Of The Snopko 1981 Trust, Frank Stephen R Harris Esq Belding Harris & Petroni Ltd 417 W Plumb Ln Reno NV 89509	10725-01762	12/26/2006	\$250,000.00	S
48	Sobesky, Stephen F 1118 Olmo Way Boulder City, NV 89005-3116	10725-00423	10/2/2006	\$70,000.00	S

49	Sobesky, Stephen 1118 Olmo Boulder City, NV 89005	10725-00382	10/2/2006	\$70,000.00	S
50	Sobesky, Stephen 1118 Olmo Boulder City, Nv 89005	10725-00413	10/2/2006	\$70,000.00	S